

31 May 1990

MEMORANDUM

SUBJECT: El Salvador: Update on the Jesuit Killings, #6

1. The ongoing investigation into the murders of six Jesuits last November has produced a case study of endemic problems in the Salvadoran judicial system and of the tenor of civilian-military relations in El Salvador. Delays, lack of coordination, and poor communication between civilian and military authorities continue to impede progress on the case. [REDACTED] indicates that Judge Zamora and Special Investigative Unit (SIU) director Colonel Rivas--who met once in mid-March at the urging of [REDACTED]--have reached an impasse. Rivas refuses to meet in the judge's chambers, and Zamora has refused to meet with Rivas elsewhere. Zamora still is reluctant to make requests of, or give specific orders to, the SIU; [REDACTED] he argues that a judge in El Salvador does not give orders to the military. As of 13 May, for example, the judge still had not asked the SIU or the military for a list of officers present at a commanders' meeting held only a few hours before the murders. [REDACTED]

2. In a probable effort to improve its image and demonstrate its willingness to cooperate with the investigation, the Army announced that all requests for information from the military should be passed through the Minister of Defense to streamline the process and avoid confusion. Zamora [REDACTED] has agreed [REDACTED]

3. Problems also abound among the civilians responsible for pursuing the case. Zamora, assigned in January to the pre-trial investigative phase, has dragged his feet throughout, taking action only when prodded by [REDACTED] the President's office. Zamora recently has been given additional duties, unrelated to the Jesuit case, that are expected to limit further the time he spends on the inquiry. Meanwhile, sources in the Attorney General's office told [REDACTED] that no one there is responsible for managing the case or for devising a prosecutorial strategy. Attorney General Mauricio Colorado himself, moreover, has told the eight prosecutors assigned to the case to take no initiatives, [REDACTED]

Approved for Release
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[REDACTED]

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4. Zamora complains that conflicting evidence has confused him, and he seems at a loss to sort out the contradictions. For example, three members of a military Honor Commission, appointed by the President to investigate Armed Forces involvement in the murders, testified this month that the commission had submitted a written report to President Cristiani, while other members have sworn that no such report was ever prepared. In addition, the four cadets who the SIU reported were on guard at the military school the night of the murders--and, thus, would have been able to identify the soldiers who left the academy--have now testified that they were not on duty that night. [REDACTED]

5. Meanwhile, a decision in another human rights trial may have serious consequences for the Jesuit case. In the other trial, the court ruled inadmissible any evidence collected by the SIU on the grounds that the unit is not an auxiliary organ of the court. The SIU collected virtually all the physical evidence in the Jesuit case--including ballistics and fingerprints--on which the charges against the soldiers are based. [REDACTED]

6. The 120-day investigative stage of the judicial proceedings ended on 22 May, but the judge can, at his discretion, extend it. Both the judge and President Cristiani say they do not expect a trial to begin until August. [REDACTED] believes, however, that there is neither sufficient, judicially acceptable evidence to convict Col. Benavides--the highest ranked officer charged--or to quiet suspicion of even higher-level military involvement. As a result of the lack of significant progress, the case is increasingly being played out in the media rather than in the courtroom. Many junior officers, according to US Embassy and defense attache reports, believe their superiors are setting the stage for Benavides' eventual release, leaving the more junior officers who have been charged to pay for the crime. [REDACTED]